

MINUTES



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, June 14, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Caveglia, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, Sacks, Thnay, Zermeño
CHAIRPERSON Caveglia

Absent: COMMISSIONER Halliday, Williams

Staff Members Present: Anderly, Conneely, Looney, Frascinella

General Public Present: Approximately 6

PUBLIC COMMENT

There were no public comments.

AGENDA

1. **Text Change Application 01-140-02 - Initiated by the Planning Director - Request for an Amendment to the Off-Street Parking Regulations as they Apply to Residential Parking Requirements in the Central City Sub-Districts.**
2. **Text Change Application 01-140-03 - Initiated by the Planning Director - Request for an Amendment to the Zoning Ordinance to Limit Window Coverage in Connection with Retail Establishments.**
3. **Proposal to Convey Surplus Property Parcel 107 to the Adjoining Property Owner Located on Fairview Avenue - Abandoned Tank Site**

PUBLIC HEARINGS

1. **Text Change Application 01-140-02 - Initiated by the Planning Director - Request for an Amendment to the Off-Street Parking Regulations as they Apply to Residential Parking Requirements in the Central City Sub-Districts.**

Planning Manager Anderly explained that, in an effort to promote the development of residential units in the Central City, the Off-Street Parking Regulations do not require additional parking when commercial buildings are converted to residences. The ordinance assumes that there is some shared parking between the residents and commercial users. This new amendment would require developers to demonstrate that there is adequate parking when large commercial buildings are converted to residences.

DRAFT

Commissioner Sacks asked for further information as to whether the amendment specifically speaks to the height of the building as opposed to the size of it. She was told it only applied only to buildings over two stories.

Commissioner Thnay asked how this would apply in the case of a three-story building proposal for 10 units and a two-story, 20 units, building. Planning Manager Anderly said it would only apply to the three-story building. Commissioner Thnay said there seemed to be a discrepancy in the proposal.

Chairperson Caveglia opened the public hearing at 7:37 p.m.

Joel Yodowitz, 235 Pine Street, San Francisco, attorney for the owner of the City Center building on Foothill, said he and his client were very concerned about the amendment. He asked that the Commission defer the item for a while so they could study it and consider the full impact. He noted that this could substantially change the economics of the ownership of the building. He also commented that neither he nor his client had received adequate notice about the hearing since the building is still listed as being owned by the City.

Planning Manager Anderly acknowledged that the property owner received notification four days prior to this hearing due to misinformation in the ownership records; however, legal notification was made in that the proposed text amendment was advertised in the Daily Review

Chairperson Caveglia closed the public hearing at 7:42

Commissioner Zermeno **moved**, seconded by Commissioner Sacks, to continue this item until the first Planning Commission meeting to July 12th.

Commissioner Bogue said Mr. Wang, the owner of the building, already has an understanding with the City and Centennial Hall regarding use of the parking garage. He said he was more concerned about the impacts on other large buildings if the second story might be impacted. Since the Commission is being encouraged to move for greater uses on each site, there may be a need for this. If the hearing is continued for four weeks, there will be no time for a decision to be made from Council.

Chairperson Caveglia commented that this is not an emergency issue, so it would be appropriate to give Mr. Wang and Mr. Yodowitz more time to analyze the proposal. The **motion to continue the item until July 12 carried by the following vote:**

AYES:	COMMISSIONERS Sacks, Zermeno, Thnay
	CHAIRPERSON Caveglia
NOES:	COMMISSIONER Bogue
ABSENT:	Halliday, Williams
ABSTAIN:	None

2. Text Change Application 01-140-03 - Initiated by the Planning Director - Request for



an Amendment to the Zoning Ordinance to Limit Window Coverage in Connection with Retail Establishments.

Planning Manager Anderly discussed the complaints of the poor appearance of retail businesses when covering up their windows with stored merchandise or painting them over. With this new amendment, if there are transparent windows less than 5-feet above the ground, they must remain free and clear except for permitted signs and displayed items. She noted that the Downtown Committee of the Chamber of Commerce agreed to this proposal. Many of the businesses on corners don't need the excess window space. She reported that some members of the Chamber suggested that an attractive window covering or a window display could replace the current practices of storing goods against windows and that staff should revisit the issue after it is passed. She stated that notifying the retailers is important. Staff will have to develop a campaign for sharing this information. She commented that presently signs are permitted to cover up to 25 percent of the window.

Chairperson Caveglia opened and closed the public hearing at 7:52 p.m. with no comments from the public.

Commissioner Thnay asked about enforcement, and how the information would be disseminated.

Planning Manager Anderly suggested that enforcement of the ordinance would be delayed to let retailers know about it. Once it is in place, enforcement will be through the Community Preservation office, which would give businesses a warning and an opportunity to correct any violations prior to a citation.

Commissioner Zermeño asked specifically about a liquor store on Tennyson and Ruus. He noted that they have a large windows painted over in beige color. He wondered whether this ordinance would have a negative effect on this and possibly other businesses in the area, if they have put money into shelving behind the window.

Planning Manager Anderly explained that each business would be considered on its own merit. Enforcement would have to be on a case-by-case basis.

Commissioner Bogue said he has heard that this is bothering some people. He noted that too many window signs become a billboard. He added that generally when the Commission is approving a building with windows you expect open space with windows. If the business changes to a different use, it may totally change what is approved. He commented on the conversion of a flower shop which had windows for displaying the product, which has been converted into a shop which has no need for the same space.

Commissioner Bogue then **moved**, seconded by Commissioner Thnay, to approve the

recommendation to City Council to adopt the Ordinance.

Commissioner Sacks made some minor corrections to the report.

Commissioner Thnay commented that this further promotes the City of Hayward, which is moving toward a more attractive downtown. He suggested that the City and the Chamber of Commerce work together to create and promote attractive window coverings. It's part of the streetscape as people go by.

The motion passed unanimously 5:0, with Commissioners Williams and Halliday absent.

3. Proposal to Convey Surplus Property Parcel 107 to the Adjoining Property Owner Located on Fairview Avenue - Abandoned Tank Site

Senior Transportation Planner Frascinella described the parcel saying, because of the size, it cannot be independently developed. The adjoining property owner has applied to buy the parcel. He noted that one condition of the sale is to merge the properties.

The public hearing was opened at 8:04 p.m.

Stephen Goode, 1820 Via Sarita, San Lorenzo, CA 94580, said he was the neighbor who wanted to buy this property so he can create a corral for horses. He bought the adjoining parcel from his aunt.

The public hearing was closed at 8:05 p.m.

Commissioner Sacks **moved**, seconded by Commissioner Zermeño, to approve the staff recommendation. The **motion passed unanimously**.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

There were no staff reports.

5. Commissioners' Announcements, Referrals

Commissioner Zermeño asked about the Staples and Walgreen's proposed for the corner of Winton and Hesperian. Planning Manager Anderly responded that they have submitted a building permit, which is awaiting her review.

Commissioner Sacks commented on the condition of the windows of businesses in the downtown area. With the upcoming street parties on Thursday nights, she challenged the business owners to clean up their windows, indicating that a small thing like this can make a difference to the opinion of the City by those attending.

Chairperson Caveglia suggested cleaning up after the truck haulers. Hesperian is getting very

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dirty.

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-May 24, 2001 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 8:08 P.M.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

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